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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,646	04/15/2005	Hans-Ulrich Schneider	18747-215298	1705
26694	7590	07/18/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER KIM, SANG K	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,646	Applicant(s) SCHNEIDER ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre. Amdt. 4/15/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16-22, 24, 26 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 15, 23, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

The information disclosure statement filed on 4/15/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document (e.g. CH 255376-A, DE 10061286-C, GB 697497 A); each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed on 4/15/05 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language (e.g. CH 255376-A, DE 10061286-C). It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the braking device (5) is arranged on a slide construction (28) which is movably arranged substantially in a direction longitudinal to the winding direction of the winding direction of the card clothing (4) against the force measuring device; The recording device to record the force curved measure, configured as a data logger, record the winding speed, connected to a

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dynamo, recited in claims 17-19, 22, 26-28, and 31-32, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because on page 3, last paragraph, applicant should not refer to the claims since during the prosecution the claims may change and/or cancel. Correction is required. See MPEP § 608.01(b).

Applicant is advised to follow the correct headings and format specified below:

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet

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published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Objections

Claims 13-32 are objected to because of the following informalities:

In claim 13, line 3, "roll (6) and braking device (5)" should be –the roll (6) and the braking device (5)--.

In claim 16, line 2, "brake shoes (231)" should be –brake shoes (21)--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-21 and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 20 and 29-30, the phrase, "the braking device (5) comprises an open and/or closed-loop control unit," is indefinite and vague. Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

In claim 21, the phrase, "the roll drive unit (7) is integrated into the open and/or closed-loop of the open and/or closed-loop control unit," is indefinite and vague.

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Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

In so far as the claims are understood as any automatic means is considered to be an open and/or closed loop control unit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 435742.

Regarding claim 13, GB '742 discloses a carding machine for winding a card clothing 2 onto a roll (10-12) with a roll drive unit (near 9) and a braking device (18-20) acting on the card clothing for generating a winding pretension in a region of the card clothing (near periphery of 10-12) between roll (10-12) and braking device (18-20), a force measuring device (24-25) being provided which is configured to measure the force acting on a mounting point of the braking device, wherein the braking device is arranged on a slide construction 15 which is movably arranged substantially in a direction longitudinal (i.e., 20 can be adjusted to move 18 and 19 in a direction longitudinal to the winding direction) to the winding direction of the card clothing against the force

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measuring device, the force measuring device is supported on a stop means (27-29 connected to the frame, 7-8 and 17), and the force measuring device is arranged between the slide construction and the stop means, the force measuring device being configured to measure, at least in a winding operation, the support force of the slide construction on the stop means, see figures 1-4.

Regarding claim 20, GB '742 discloses the braking device acts automatically to maintain constant any desired uniform tension, see page 2, 1st column, lines 21-24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Russell, U.S. Patent No. 3950984.

As stated above, GB '742 discloses the force measuring device for card clothing.

Russell '984 discloses a particular type of force measuring device of a strain gage force transducer for wire, see abstract.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 by using a particular type of force measuring device, such as a strain gage force transducer as taught by Russell '984, to accurately measure the wire.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Hennig, U.S. Patent No. 3590537.

As stated above, GB '742 discloses the braking device comprise brake shoes (18-19) for card clothing, but does not explicitly explain the material of the brake shoes.

Hennig '537 discloses the concept of using ceramic material for the brake shoes, see column 3, lines 35-38.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 by using a ceramic material for the brake shoes, as taught by Hennig '537, to prevent a development of rust on the surface of the brake shoes.

Claims 17-19, 21-22 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Bocht, WO 02/46505 A1 (equivalent translation of US 2004/0056137 A1).

As stated above, GB '742 discloses a carding machine for winding a card clothing 2 onto a roll (10-12) with a roll drive unit (near 9) and a braking device (18-20) acting on the card clothing for generating a winding pretension in a region of the card clothing (near periphery of 10-12) between roll (10-12) and braking device (18-20), a force measuring device (24-25) being provided which is configured to measure the force acting on a mounting point of the braking device, but does not explicitly explain how the force measurement is automatically controlled.

Bocht '505 discloses a device for winding a card clothing 4 onto a roll 6 with a roll drive unit 7 and a braking device 5 acting on the card clothing for generating a winding pretension in a region of the card clothing 12 between roll 6 and braking device 5, a force measuring device using a recording device to record speed, processing the data by printing, storing, etc., as accessories or as an integral unit, open and/or closed loop control unit for the roll drive unit, using eddy current brake which is fed with electric current (see paragraph [0015]-[0018] and [0032]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 by using a recording device to record and control the tension of the wire as taught by Bocht '505, to ensure that the tension is controlled accurately using the recording device.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Russell, U.S. Patent No. 3950984 as applied to claims above, and further in view of Hennig, U.S. Patent No. 3590537.

As stated above, GB '742 in view of Russell '984 discloses the braking device comprise brake shoes (18-19) for card clothing, but does not explicitly explain the material of the brake shoes.

Hennig '537 discloses the concept of using ceramic material for the brake shoes, see column 3, lines 35-38.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 in view of Russell '984 by using

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a ceramic material for the brake shoes, as taught by Hennig '537, to prevent a development of rust on the surface of the brake shoes.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Russell, U.S. Patent No. 3950984 as applied to claims above, and further in view of Bocht, WO 02/46505 A1 (equivalent translation of US 2004/0056137 A1).

As stated above, GB '742 in view of Russell '984 discloses a carding machine for winding a card clothing 2 onto a roll (10-12) with a roll drive unit (near 9) and a braking device (18-20) acting on the card clothing for generating a winding pretension in a region of the card clothing (near periphery of 10-12) between roll (10-12) and braking device (18-20), a force measuring device (24-25) being provided which is configured to measure the force acting on a mounting point of the braking device, but does not explicitly explain how the force measurement is automatically controlled.

Bocht '505 discloses a device for winding a card clothing 4 onto a roll 6 with a roll drive unit 7 and a braking device 5 acting on the card clothing for generating a winding pretension in a region of the card clothing 12 between roll 6 and braking device 5, a force measuring device using a recording device to record speed, processing the data by printing, storing, etc., as accessories or as an integral unit, open and/or closed loop control unit for the roll drive unit, using eddy current brake which is fed with electric current (see paragraph [0015]-[0018] and [0032]).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 in view of Russell '984 by using a recording device to record and control the tension of the wire as taught by Bocht '505, to ensure that the tension is controlled accurately using the recording device.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 435742, in view of Hennig, U.S. Patent No. 3590537 as applied to claims above, and further in view of Bocht, WO 02/46505 A1 (equivalent translation of US 2004/0056137 A1).

As stated above, GB '742 in view of Henning '537 discloses a carding machine for winding a card clothing 2 onto a roll (10-12) with a roll drive unit (near 9) and a braking device (18-20) acting on the card clothing for generating a winding pretension in a region of the card clothing (near periphery of 10-12) between roll (10-12) and braking device (18-20), a force measuring device (24-25) being provided which is configured to measure the force acting on a mounting point of the braking device, but does not explicitly explain how the force measurement is automatically controlled.

Bocht '505 discloses a device for winding a card clothing 4 onto a roll 6 with a roll drive unit 7 and a braking device 5 acting on the card clothing for generating a winding pretension in a region of the card clothing 12 between roll 6 and braking device 5, a force measuring device using a recording device to record speed, processing the data by printing, storing, etc., as accessories or as an integral unit, open and/or closed loop

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control unit for the roll drive unit, using eddy current brake which is fed with electric current (see paragraph [0015]-[0018] and [0032]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of GB '742 in view of Henning '537 by using a recording device to record and control the tension of the wire as taught by Bocht '505, to ensure that the tension is controlled accurately using the recording device.

Allowable Subject Matter

Claims 15, 23, 25, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record, especially U.S. Patent No. 4643367, shows a device for winding card clothing onto a roll with a roll drive unit, but it fails to show a force measuring device with a slide construction which the braking device is arranged to move substantially in a direction longitudinal to the winding direction of the card clothing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947.

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The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

7/13/07

A handwritten signature in black ink, appearing to be "J. J. K.", is located in the lower right quadrant of the page.